

REMARKS

After entry of the present amendment claims 1-44 are pending in the application with claims 1, 15, and 27 written in independent form. Claims 15-17, 22-26 are currently amended. Claims 27 -31 are allowed. New claims 32 -44 are added. No new matter has been introduced.

Claims

Claim Rejections – 35 U.S.C. §102(b)

Claims 1, 8-12, 15, 17-19, 21, 23, and 26 stand rejected under 35 U.S.C. 102(b) as being anticipated by the United States Patent No. 6,379,277 (the '277 Patent to Victoria, et al.). The Applicant has amended Claim 15 to render this rejection moot. The rejection of Claims 17-19, 21, 23, and 26 becomes moot as these Claims depend on Claims 1 and 15 respectively.

The '277 to Victoria, et al. discloses a differential housing having an upper portion 104 and a lower portion 106 that are joined to define a cavity 124 that contains pinion shafts 126 which rotatably support double pinions 128, 130 and side double gears 132, 134. As disclosed in column 5, lines 7-10 of the '277 Patent to Victoria, et al., "portions 104, 106 each respectively includes *semi-circular recesses 170, 172 which are adapted to cooperatively engage pinion shaft 126 and retain pinion shaft 126 in a stationary position relative to housing 102.*" T

Therefore, the '277 Patent to Victoria, et al. discloses the upper portion or lid 104 that not only abuts the pinion shaft 126, but defines a recess with the lower portion 106. This differs from elements recited in present independent Claim 1, as originally filed, where the annular inner surface defines at least two receptors each engaging one axial end of said pinion shaft at spaced locations from the lid. Not only is the upper portion or lid 104 of the '277 Patent to Victoria, et al. adjacent to the pinion shaft 126, that defines the semi-circular recess 170 engages the shaft 126, but the second semi-circular recess 172 of the lower portion 106 of the housing 102 that mates with the semi-circular recess 170 to retain the shaft 126 in a stationary position relative to the housing 102.

Furthermore, as stated in the background section of the present application, paragraph 4, "sandwiching the shaft between two housing portions do not provide the durability required of a rear wheel drive differential." Accordingly, the present application overcomes deficiencies inherent in the disclosure of the '277 Patent to Victoria, et al., Claim 1 recites the correction of

“at least two receptors each engaging one axle end of said pinion shaft at spaced locations from said lid”. Therefore, Applicant respectfully submits that independent Claim 1 as originally recited is patentable over the ‘277 Patent to Victoria, et al. Furthermore, dependent Claims 2 through 14 include each and every limitation set forth in independent Claim 1. Accordingly, Applicant respectfully submits that dependent Claims 2-14 are also in a condition for allowance.

Claim 15 is directed toward the method of making a differential mechanism which includes the step of “inserting said differential gear assembly into said housing, wherein said at least one splined shaft is radially supported by said receptors independent of said lid.” Furthermore, independent Claim 15 has been amended to recite the limitation of “securing said lid to said open end of said housing at location spaced from said receptors thereby enclosing said differential gear assembly”. As set forth above, the ‘277 Patent to Victoria, et al. discloses that portions 104 (lid), 106 each respectively includes semi-circular recesses 170, 172 which are adapted to cooperatively engage pinion shaft 126 and retain pinion shaft 126 in a stationary position relative to housing 102. Therefore, the lid 104 disclosed in the ‘277 Patent to Victoria, et al. is not “spaced from said receptor.” Furthermore, the splined shaft disclosed in the ‘277 Patent to Victoria, et al. is not pivotally supported by said receptors independent of said lid.” Accordingly, the ‘277 Patent to Victoria, et al. fails to disclose the elements recited in independent Claim 15.

Dependent Claims 16 through 26 include each and every limitation set forth in independent Claim 15. Therefore, Applicant respectfully submits that dependent Claims 16 through 26 have been placed in a condition for allowance.

Claim Rejections – 35 U.S.C. §112, second paragraph

Claim 16-26 stands rejected under 35 U.S.C. §112, second paragraph. The Applicant has amended the dependent Claim 16 -26 to render this rejection moot.

For these reasons, the Applicant respectfully submits that Claims 1, 15, and 32 are in condition for allowance. Claims 2-14 and 16-26 are also allowable as these Claims depend from the novel features of Claims 1 and 15. The Applicant appreciates the allowance of Claims 27-31 by the Examiner. The Applicant believes that Claims 32 -44 are allowable because the subject

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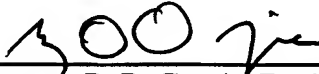
matter of Claim 32 is based on a previously allowed Claim 3 by the Examiner. Claims 33-44 are also allowable as these claims depend from the novel features of Claim 32.

The application is now in condition for allowance, which allowance is respectfully solicited. No additional fees are required, however, the Commissioner is authorized to charge our Deposit Account No. 08-2789 for any fees or credit the account for any overpayment.

Respectfully submitted,

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Date



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